

between licensed services outside the guard bands. The FCC may permit unlicensed use in such guard bands. Unlicensed use shall rely on a database or subsequent methodology as determined by the FCC. The FCC may not permit any use of a guard band that would cause harmful interference to licensed services. Thus, this section makes clear that the FCC is free to create guard bands and allow secondary, unlicensed use in spectrum it has cleared with federal funds and auctioned under sections 6402 or 6403, so long as such guard bands are no larger than technically reasonable to prevent harmful interference between licensed services outside the guard bands and the use does not interfere with the licensed uses.

Section 6408. Over the last 20 years, licensees trying to use their spectrum as authorized have started to experience limitations on service because adjacent spectrum users are relying on receivers that are not sufficiently tailored to focus just on the spectrum allocated for their adjacent use. The result has been lower power limits, restricted uses of spectrum, and a proliferation of guard bands. This section requires the GAO to submit a study to Congress not later than one year after the passage of the Middle Class Tax Relief and Job Creation Act of 2012 detailing current spectrum uses and whether changes to receiver performance, changes to operational aspects of existing spectrum uses, and narrowing of existing guard bands can help make more efficient use of the scarce spectrum resource.

Section 6409. This section streamlines the process for siting of wireless facilities by preempting the ability of State and local authorities to delay collocation of, removal of, and replacement of wireless transmission equipment. It also increases access by establishing a uniform process for access to Federal rights-of-way and easements. It establishes a master contract process for siting wireless facilities on Federal Government owned property and buildings.

Section 6410. This section amends the NTIA Organization Act to make efficient use of spectrum by federal agencies one of the NTIA's core responsibilities. As we search for the 500 MHz of spectrum that the National Broadband Plan recommends we find to address the Nation's growing wireless broadband demands, it is critical to ensure that government users maximize the use of the spectrum devoted to their missions. Government users represent a significant portion of the use of spectrum below 3 GHz. Ensuring that agencies use this resource efficiently should be a tenet of the NTIA's stewardship of this important public resource.

Section 6411. This section requires OMB to update section 33.4 of OMB Circular A-11 to

reflect recommendations in the January 11, 2011, Commerce Spectrum Management Advisory Committee Incentive Subcommittee report. OMB Circular A-11 currently requires agencies to integrate the cost of spectrum into their capital planning and management process. The CSMAC Incentives Subcommittee recommended changes to that circular that make the spectrum use analysis more robust, including whether new federal spectrum uses will share spectrum with other systems, a detailed explanation of the efficiency gains compared to the prior use, and consideration of non-spectrum based systems and commercial alternatives. Moreover, agencies must show that the chosen solution is the most spectrum efficient or explain why it is seeking to implement a solution that is less spectrum efficient.

Section 6412. This section requires the GAO to study the use of the 11 GHz, 18 GHz, and 23 GHz microwave bands with a focus on whether the spectrum is being used efficiently and whether commercial alternatives to the FCC licensing of such bands are sufficiently incentivizing efficient use.

Section 6413. This section establishes the Public Safety Trust Fund, where most auction proceeds under this Act are deposited. It also establishes a cascading series of priorities for use of auction proceeds. First priority is given to repayment of funds borrowed against the \$7 billion authorized elsewhere in the title to establish the First Responder Network Authority and the State and local broadband offices. Next in priority is the remainder of the \$7 billion for buildout of the public safety broadband network and \$100 million for research and development related to public safety broadband communications, followed by \$20.4 billion for deficit reduction. From any remaining auction revenues produced above approximately \$27 billion, \$115 million is used to fund the Next Generation 9/11 provisions under subtitle E of this title and an additional \$200 million may be used for further wireless research and development of public safety broadband communications.

Section 6414. This section requires the GAO to study the capabilities and use of amateur radio operators in times of emergency and to make recommendations to improve integration of amateur radio operators in disaster response.

REMEMBERING MARIANNE C.
RAPHAELY OF CHERRY HILL, NJ

HON. ROBERT E. ANDREWS

OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Friday, February 24, 2012

Mr. ANDREWS. Mr. Speaker, I rise today to honor the beloved Marianne C. Raphaely of

Cherry Hill, NJ, who passed away on Sunday, February 5, 2012. With her passing, South Jersey lost one of its most devoted philanthropists. It is today that we remember a loving mother, grandmother, teacher, and tireless contributor to the community.

Born and raised in Trumbull, CT, she graduated from Mary Washington College in 1959 with a bachelor's degree in Psychology and Education. After college, she began teaching grade school in Connecticut and then in California while her husband served as a physician in Vietnam until settling in Cherry Hill with her family in 1968. She served as the Vice President of the Board of the Technical Schools of Camden County from 1999 to 2003 and as a member of the Cherry Hill Board of Education for 9 years.

In addition to her work as a teacher, Marianne volunteered countless hours of her time to many artistic, health care, and educational organizations throughout the Philadelphia area. As the Chairperson of Art in City Hall, she led the effort to place local artists' works throughout Philadelphia's City Hall. Marianne served as a trustee for the Rock School of Dance Education, the Coriell Institute of Medical Research, The Please Touch Museum, and several other charities. She was recognized for her charity work by receiving the Association of Fundraising Professionals' Volunteer of the Year Award for 2005–2006 and the Please Touch Museum's Great Friends to Kids Lifetime Achievement Award.

With a passion for teaching children, natural leadership abilities, a deep sense of responsibility to her community and a love for all things social, she developed close working relationships and friendships with scores of people from all walks of life. She understood the real passion that children have for learning and worked tirelessly to represent that ideal. Although she was so involved, nothing could take away the powerful relationship she had with her family. She and her husband of 50 years raised two sons in Cherry Hill, traveled the world together, and more recently, spent cherished time with their grandchildren.

She is survived by her husband, Dr. Russell of Cherry Hill, NJ, her two sons, Christopher and James, a sister, Kathryn Sirico, and five grandchildren.

Mr. Speaker, it is at this time that we remember Marianne Raphaely and keep her family in our hearts and prayers. She was a wonderful woman of remarkable measures who will truly be missed by many.